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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Edward M. Vivirito,) No. CV-08-891-PHX-DGC
Plaintiff,)
vs.) **ORDER**
State of Arizona,)
Defendant.)

The parties have filed a stipulated motion to amend the complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. Dkt. #25. The motion requests that Plaintiff be permitted to file the proposed amended complaint (Dkt. #26) and that Defendant's motion to dismiss (Dkt. #6) be denied as moot. Dkt. #25 at 1. The Court will grant the motion.

IT IS ORDERED:

1. The parties' stipulated motion to amend the complaint (Dkt. #25) is **granted**.
2. The Clerk is directed to file the proposed amended complaint (Dkt. #26).
3. Defendant's motion to dismiss (Dkt. #6) is **denied** as moot.

DATED this 4th day of November, 2008.

Daniel G. Campbell

David G. Campbell
United States District Judge